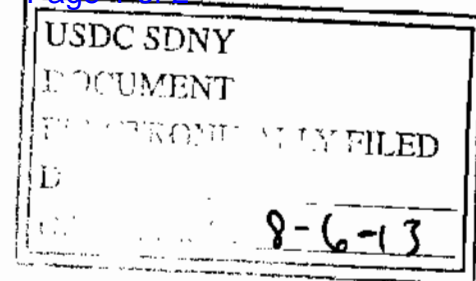


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August 2, 2013

VIA EMAIL

The Honorable Paul A. Crotty
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007
CrottyNYSDChambers@nysd.uscourts.gov

RE: *Lee v. Makhnevich*, No. 11-cv-8665 (PAC)

Dear Judge Crotty:

SO ORDERED: 8-6-13

HON. PAULA A. CROTTY
UNITED STATES DISTRICT JUDGE

✓ We represent plaintiffs in the above-captioned case. When we were last before the Court on July 23, 2013, Your Honor instructed David Schwartz that he would be permitted to withdraw as counsel for defendants only after providing the information requested in plaintiffs' response to his motion to withdraw. *See* Tr. 6:17-22 [ECF No. 41]. Because clarification is needed as to whether Mr. Schwartz has fully responded to plaintiffs' requests, we respectfully request that the Court set a new deadline of August 16, 2013, for the parties to provide an update on their discussions prior to relieving Mr. Schwartz.

Plaintiffs' papers in opposition to Mr. Schwartz's motion raise a number of questions and concerns, including, among other things, whether defendants were properly served with the motion and whether defense counsel possesses the information necessary to comply with the initial disclosure requirements of Rule 26(a). At the July 23 hearing on the motion, defense counsel stated that he would respond to plaintiffs' requests for information and that he would search his files for any documents responsive to the Rule 26(a) requirements. *See* Tr. 3:22 - 4:7, 5:22-6:8.

On July 25, 2013, Mr. Schwartz emailed my colleague, Paul Alan Levy, a letter that only partially responded to plaintiffs' requests and that made no mention of whether defense counsel possesses any documents necessary to comply with Rule 26(a). In an email dated July 29, Mr. Levy asked Mr. Schwartz to provide clarification on certain issues and to respond to the outstanding information requests.

We received additional responses from Mr. Schwartz a short while ago today. Upon initial review of those responses, we anticipate that we will need to follow up with him for further clarification with respect to several issues. Therefore, we respectfully request that the Court set a new deadline of August 16, 2013 for the parties to provide an update on their discussions prior to relieving Mr. Schwartz from his representation of defendants.

RECEIVED
AUG 6 2013
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Thank you for your time and attention to this matter.

Respectfully submitted,

/s/ Jehan A. Patterson
Jehan A. Patterson

cc: Bruce P. Keller, Esq. (bpkeller@debevoise.com)
David Schwartz, Esq. (dschwartz@gerstmanschwarz.com)